

### **REMARKS**

Claims 11-18 are pending in the present application. Claims 11-18 were rejected under 35 U.S.C. § 102(b), as described on page 2 of the Office action. Claims 11, 13 and 17 are the only independent claims.

Claims 11-18 are patentable over the prior art of record for the reasons provided below.

An aspect of the present invention is drawn to a flowcell having a fluid pathway, for example as illustrated in Figure 2. **A fluid flows down the fluid pathway in a first direction whereas a light beam travels up the fluid pathway in a second direction opposite the first direction.** The light beam creates optical pressure on certain particles within the fluid in the pathway.

Each of independent claims 11 and 17 recites, *inter alia*, “a PDMS body having a fluid pathway arranged to **permit flow of a fluid in a first direction therethrough**” and “a light input part arranged to accept input light and **permit the input light to travel into said PDMS body and through said fluid pathway in a second direction opposite of the first direction.**”

Independent claim 13 recites, *inter alia*, “a body comprising a first material and having a fluid pathway arranged to **permit flow of a fluid in a first direction therethrough,**” and “a light input part on said body and comprising a second material, said light input part being arranged to accept input light and **permit the input light to travel into said body and through said fluid pathway in a second direction opposite of the first direction.**”

The prior art of record fails to disclose at least the above-identified limitations.

Page 2 of the Office action asserts that Dapprich discloses a (PDMS) body “containing flow-through fluid pathways 64, 66,” that is “operable to reverse or change the direction of light flow through the pathway (figure 9; column 12, lines 22-58 and column 13, lines 30-44).”

First of all, items 64 and 66 of Dapprich are not “fluid pathways” as indicated in the Office action. As specifically discussed in column 12, lines 56-57 of the reference, item 64 is a sample holder, whereas item 66 is a detector. Further, the sample in sample holder 64 is stationary. Therefore sample holder 64 is not a fluid pathway as recited in the claims 11, 13 or 17, which is arranged to permit flow of a fluid in a first direction therethrough. On the contrary, sample holder

64 holds fluid in place. Equating sample holder 64 to a fluid pathway would contravene the plain meaning of the term "holder."

Secondly, Dapprich discloses fluid pathways and optical devices individually, but not fluid pathways cooperating with optical devices. A discussion of a use of PDMS microstructure for fluid displacement is in "Section 3. Microfluidic Devices and Structures," in column 11, line 15 through column 12, line 20 of the reference. A discussion of a use of PDMS microstructure comprising optical components is in "Section 4. Optical Devices and Structures," in column 12, line 22 through column 13, line 55.

Finally, Dapprich fails to disclose: a fluid pathway arranged to permit flow of a fluid in a first direction therethrough and a light input part arranged to accept input light and permit the input light to travel into through the fluid pathway in a second direction opposite of the first direction, as required in the independent claims.

Accordingly, independent claims 11, 13 and 17 are novel over Dapprich within the meaning of 35 U.S.C. § 102(b).

Furthermore, because claims 12, 14-16 and 18 are dependent upon claims 11, 13 and 17, respectively, and therefore include all the limitations thereof, claims 12, 14-16 and 18 are additionally novel over Dapprich within the meaning of 35 U.S.C. § 102(b).

In light of the above discussion, it is respectfully submitted that claims 11-18 are novel over the prior art of record, an indication of which is respectfully solicited.


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If there are any outstanding issues that can be resolved by telephone interview, the examiner is asked to call the applicants' attorney Thomas D. Robbins at 202-404-1553.

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Respectfully submitted,

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